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COUNCIL OF STATES

The following Bills were introduced in the Council of States on the 4th December, 1953:—

BILL No. XXV OF 1953

A Bill to prevent the infliction of cruelty on animals and for that purpose to amend and codify the law relating to prevention of cruelty to animals.

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Prevention of Cruelty to Animals Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force in any State on such date as the Central Government may, by notification in the Official Gazette, direct, and thereupon any other enactment in force in the State for the prevention of cruelty to animals shall, in so far as it is inconsistent with the provisions of this Act, cease to have effect in the State except as respects anything done or any offence committed or any fine or penalty incurred.

2. Definitions.—In this Act, unless the context otherwise requires,—

(1) “animal” means any living being endowed with sensation and voluntary motion but excluding a human being;

(2) “phooka” or “doom dev” includes any process of introducing air or any substance into the female organ of a milch animal with the object of drawing off from the animal any secretion of milk;

(3) “prescribed” means prescribed by rules made under this Act;

(4) "street" includes any way, road, lane, square, court, alley, passage, or open space whether a thoroughfare or not to which the public have access;

(5) "vivisection" means the causing of any pain or injury or the doing of anything which may result in pain or injury to any animal in connection with—

(a) experimentation in scientific, medical, industrial or any other kind of research;

(b) the manufacture, testing, or standardising of drugs, serums, vaccines, toxins, poisons, war materials, or any medicinal, pharmaceutical, chemical, or other preparation;

(c) instruction or training in any field of science, whether in medicine, biology, physiology, pathology, psychology, warfare, or any other science, and whether by way of demonstrations, or practice operations, or in any other way.

3. Prohibition of certain forms of cruelty to animals.—(1) No person shall—

(a) override, overdrive, overload, beat, whip, pierce with nailed sticks or any sharp instruments, twist the tail or otherwise treat any animal so as to subject it to unnecessary pain or suffering, or, being the owner, permit any animal to be so treated; or

(b) bind, convey, carry or consign or, being the owner, permit to be bound, conveyed, carried, or consigned any animal in such manner or position as to subject that animal to unnecessary pain or sufferings; or

(c) incite any animal to fight or bait any animal or abet any such incitement or baiting, unless such fighting or baiting is not likely to cause any injury or suffering to such animal and all reasonable precautions have been taken to prevent injury or suffering from being so caused; or

(d) without reasonable excuse permit any disabled or diseased animal of which he is owner or is in charge to die in any street or abandon any animal in circumstances which render it likely that it will suffer pain by reason of starvation or thirst; or

(e) employ in any work or labour any animal which by reason of any disease, infirmity, wound, sore, or other cause is unfit to be so employed, or permit any such unfit animal in his possession or under his control to be so employed; or

(f) offer for sale or without reasonable excuse have in his possession any live animal which is suffering pain by reason of mutilation, starvation, thirst, overcrowding or other ill-treatment; or

(g) capture, cage, or confine a wild bird for any purpose except scientific study.

(2) An owner or other person in possession or control of an animal shall be deemed to have abetted an offence under clause (a) or

clause (b) or clause (d) or clause (e) of sub-section (1) if he shall have failed to exercise reasonable care or supervision with a view to the prevention of such offence.

4. Prohibition of practising phooka or doom dev.—No person shall perform upon any milch animal the operation called *phooka*, or *doom dev* or permit such operation to be performed upon such animal in his possession or under his control.

5. Prohibition of avoidable cruelty in keeping or confining of animals.—(1) No person shall keep or confine an animal in any zoo, temple, palace, stable, dairy, or other place of a public or private nature otherwise than as provided under sub-section (2).

(2) The Central Government may, by rules made in this behalf, provide that animals may be kept or confined in any place of a public or private nature except those prohibited under sub-section (3), in such manner and subject to such conditions as will ensure adequate protection from weather and adequate space, food, water, sanitation, air, light, exercise and care.

(3) No new institution, public or private, for the exhibition or study of animals and involving their caging or confinement shall be established after the commencement of this Act except under a licence issued in accordance with rules made in this behalf under section 22.

6. Prohibition of avoidable cruelty in the transport of animals.—No animal shall be exported from India or loaded at an Indian port, nor transported within India by mechanical means except in such manner and in accordance with such regulations as may be prescribed in this behalf with the object of ensuring proper handling, adequate space, food, water, sanitation, air, light, exercise and attention, and adequate protection from weather and other exposure.

7. Prohibition of exhibition and training of performing animals.—No person shall exhibit any animal in any circus or other place of entertainment to which the public have access, whether on payment of money or otherwise, or train any animal for any such purpose.

8. Prohibition of export or import of animals in certain cases.—No animal shall be exported from or imported into the territories to which this Act extends where the export or import is for the purpose of—

(a) subjecting the animal to vivisection, or selling the animal, directly or indirectly, for use in connection with vivisection; or

(b) subjecting the animal to any other cruelty which in the territories to which this Act extends, would constitute an offence against this Act; or

(c) slaughtering the animal.

9. Prohibition of vivisection.—Vivisection is prohibited.

10. Prohibition of cruelty in sport.—No animal shall be killed, or maimed, or subjected to any injury or pain in connection with sport

or any amusement or entertainment, whether by shooting, hunting, or baiting, or in any other way:

Provided that nothing in this section shall apply to shooting, hunting or fishing by a person in pursuit of his legitimate means of livelihood.

11. Prohibition of cruelty to animals in the name of or for religion.—No animal shall be killed, tortured, maimed, subjected to any injury or pain in the name of or for religion in connection with the rites, or usages of any race, tribe, sect, or class.

12. Prohibition of killing of animals generally except by humane methods.—(1) No person shall kill any animal except by such method and in such manner as to prevent avoidable pain and suffering to the animal being killed.

(2) If any person has in his possession, at the time an offence under sub-section (1) is alleged to have been committed, the skin of any animal with any part of the skin of the head attached thereto, it shall be presumed, until the contrary is proved, that such animal was killed in an unnecessarily cruel manner and that the person in possession of such skin had contravened the provisions of sub-section (1).

(3) No person engaged in the extermination of unwanted animals on behalf of any government or other public or private institution shall kill an animal except in such manner and in accordance with such methods as may be prescribed in this behalf.

13. Prohibition of slaughter of certain animals except in a slaughterhouse according to humane methods.—(1) This section applies to buffalo, cattle, sheep, goats, and pigs and their young, and to such other animals as the Central Government may, by notification in the Official Gazette, specify.

(2) No animal to which this section applies shall be slaughtered except in a slaughterhouse recognized as such by the municipal, district, or State government concerned.

(3) No animal to which this section applies shall be slaughtered in a slaughterhouse except in accordance with humane methods so as to prevent avoidable pain, fear, and suffering and cause instantaneous death.

(4) In no case shall the following be slaughtered—

- (a) a pregnant animal;
- (b) an animal having one or more young under ten months of age;
- (c) any young animal under ten months of age, or in or extracted from the womb.

(5) No person shall use any instrument for slaughtering or stunning any animal unless his ability and physical condition qualify him to use it without inflicting unnecessary pain on the animal and no person shall use mechanically operated instrument in such a manner or in such circumstances or in such a state of want of repair as to incur the risk of causing unnecessary suffering to an animal.

14. Penalties.—(1) If any person contravenes the provisions contained in section 3, or section 5, or section 6, or section 7, or section 8, he shall be punished, in the case of a first offence, with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to one month and, in the case of a second or subsequent offence committed within three years of the previous offence, with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

(2) If any person contravenes the provisions contained in section 4, or section 9, or section 10, or section 11, or section 12, or section 13, he shall be punished, in the case of a first offence, with fine which may extend to five hundred rupees, or with imprisonment, which may extend to two years, or with both, and in the case of a second or subsequent offence, with fine which may extend to one thousand rupees, or with imprisonment which may extend to three years, or with both.

(3) A court convicting any person under this Act may—

(a) declare that the animal in respect of which an offence has been committed shall be forfeited to Government, and

(b) order payment of any fine imposed under this Act of an amount not exceeding one-tenth of the fine to any person (other than a police officer or officer of a society or institution concerned with the prevention of cruelty to animals) who has given information leading to the conviction.

15. Search and seizure.—(1) If a magistrate of the first or second class, or a Commissioner of Police or District Superintendent of Police, upon information in writing and after such inquiry as he thinks necessary, has reason to believe that an offence against this Act is being or is about to be, or has been committed in any place, he may either himself enter and search or by his warrant authorize any police officer, not below the rank of sub-inspector, to enter and search the place.

(2) Notwithstanding anything contained in sub-section (1) if a police officer, not below the rank of sub-inspector, has reason to believe that an offence under section 4 or section 9 or section 11 or section 13 in respect of any animal is being or is about to be committed in any place within the limits of his jurisdiction, he may enter any place in which he has reason to believe such animal to be and may seize the animal.

(3) The provisions of the Code of Criminal Procedure, 1898, relating to searches under that Code shall, so far as those provisions can be made applicable, apply to any search under this section.

16. General power of seizure for examination.—(1) Any police officer above the rank of a constable or any person authorized by the State Governments in this behalf, who has reason to believe that an offence against this Act has been or is being committed in respect of any animal, may, if in his opinion the circumstances so require, seize the animal and produce the same for examination by the nearest Magistrate or by such Veterinary Officer as may be designated in this

behalf by rules made under this Act; and such police officer or authorized person may, when seizing the animal, require the person in charge thereof to accompany it to the place of examination.

(2) Every person authorised by the State Government under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

17. Limitation for prosecutions.—No prosecution for any offence against this Act shall be instituted after the expiration of three months from the date of the commission of the offence.

18. Destruction of suffering animals.—(1) When any Magistrate, Commissioner of Police or District Superintendent of Police has reason to believe that an offence against this Act has been committed in respect of any animal, he may direct the immediate destruction of the animal if in his opinion its sufferings are such as to render such a direction proper.

(2) Any police officer above the rank of a constable who finds any animal so diseased, or so severely injured, or in such a physical condition that it cannot, in his opinion, be removed without cruelty, may, if the owner is absent or refuses to consent to the destruction of the animal, forthwith summon the Veterinary Officer in charge of the area in which the animal is found and if the Veterinary Officer certifies that the animal is mortally injured, or so severely injured, or in such a physical condition that its destruction is desirable, the police officer may, after obtaining orders in that behalf from a Magistrate, destroy the animal or cause it to be destroyed.

19. Treatment and care of animals.—(1) This section shall have effect only in those States in which the State Governments concerned have appointed infirmaries for the treatment and care of animals.

(2) The Magistrate before whom a prosecution for an offence against this Act has been instituted may direct that the animal concerned shall be treated and cared for in an infirmary, until it is fit to perform its usual work or is otherwise fit for discharge, or that it shall be sent to a *pinjrapole*, or, if the Veterinary Officer in charge of the area in which the animal is found or any other Veterinary Officer authorised by rules made in this behalf certifies that it is incurable or cannot be removed without cruelty, that it shall be destroyed.

(3) An animal sent for care and treatment to an infirmary shall not, unless the Magistrate directs that it shall be sent to a *pinjrapole* or that it shall be destroyed, be released from such place except upon a certificate of its fitness for discharge issued by the Veterinary Officer in charge of the area in which the infirmary is situated or such other Veterinary Officer as may be authorised in this behalf by rules.

(4) The cost of transporting an animal to an infirmary or *pinjrapole* and of its maintenance and treatment in an infirmary shall be payable by the owner of the animal in accordance with a scale of rates to be specified by the District Magistrate or, in Presidency towns, by the Commissioner of Police:

Provided that when the Magistrate so orders, on account of the poverty of the owner of the animal, no charge shall be payable for the treatment of the animal.

(5) If the owner refuses or neglects to pay such cost or to remove the animal within such time as the Magistrate may fix, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost.

(6) The surplus, if any, of the proceeds of such sale shall, on application made by the owner within two months from the date of the sale, be paid to him.

20. Offences under this Act to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be a cognizable offence within the meaning of that Code.

21. Indemnity.—No suit, prosecution or other legal proceeding shall lie against any person who is, or who is deemed to be, a public servant within the meaning of section 21 of the Indian Penal Code, in respect of anything in good faith done or intended to be done under this Act.

22. Power to make rules.—(1) The State Government may, by notification in the Official Gazette, and subject to the condition of the previous publication, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules—

(a) fixing the maximum weight of loads to be carried or drawn by any animal;

(b) specifying the period during which, and the hours between which, buffaloes and any other animals shall not be used for draught purposes;

(c) specifying the purposes to which fines realized under this Act may be applied, including such purposes as the maintenance of infirmaries, *pinjrapoles* and veterinary hospitals;

(d) prohibiting the use of any bit or harness involving cruelty;

(e) requiring persons owing, or in charge of, premises in which animals are kept or milked to register such premises, to permit their inspection for the purpose of ascertaining whether any offence against section 4 is being, or has been, committed therein, display and to expose in such premises copies of sections 4 and 14 in a language or languages commonly understood in the locality;

(f) requiring persons carrying on the business of a farrier, or persons other than veterinarians who castrate animals to be licensed and registered;

(g) laying down the manner in which and the conditions subject to which animals may be kept or confined in a zoo or any other public or private place;

(h) imposing restrictions with the object of preventing vivisection;

(i) laying down the manner in which and the methods subject to which dogs and any other unwanted animals may be caught, impounded, and killed;

(j) prohibiting the use of certain cruel traps and snares and certain cruel methods of capture and killing in hunting;

(k) laying down the manner in which animals are to be handled, confined, and attended during transport by mechanical means and during loading and unloading operations;

(l) requiring persons owning, or in charge of, slaughter-houses to register, or acquire licenses for, the same, to permit their inspection for the purpose of ascertaining whether any offence against section 13 is being or has been committed therein, to submit proof of possession of an appropriate instrument for slaughter as a condition of registration or licensing, and to expose in such premises copies of sections 13 and 14 in a language or languages commonly understood in the locality.

STATEMENT OF OBJECTS AND REASONS

Although in India certain laws have been passed dealing with the subject of cruelty to animals, they are neither comprehensive nor inclusive of all the cruelties which are outlawed or controlled in other countries. The teaching of *Ahimsa* has animated the thought and life of India from very ancient times from Mahavir, Buddha, and Asoka, down to modern times. During the reign of Asoka, whose *Dharma Chakra* we have accepted as the symbol on our National Flag, there were comprehensive laws to ensure the well-being of animals. Even today according to Gandhiji, "we should be able to refuse to live if the price of living be the torture of sentient beings."

In order to promote the essential doctrine of *Ahimsa* or non-injury which has characterised Indian thought, this Bill seeks to make provision to abolish cruelty and thereby promote the moral well-being of man.

RUKMINI DEVI ARUNDALE

NEW DELHI;

The 2nd November, 1953.

BILL No. XXVI OF 1953

A Bill to provide relief to unemployed workers.

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Unemployment Relief Act, 1953.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force within six months from the date of its being enacted.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “commercial establishment” means a bank, an insurance company or any office, shop, restaurant, hotel, theatre or any other factory or industrial undertaking not covered by the Factories Act, 1948 (LXIII of 1948),

(b) “dock” shall have the meaning assigned to it in the Indian Dock Labourers Act, 1934 (XIX of 1934);

(c) “employee” means a person, other than a worker, employed in any factory, railway, mine, plantation, transport services, dock, or in an industrial or commercial establishment;

(d) “factory” shall have the meaning assigned to it in the Factories Act, 1948 (LXIII of 1948);

(e) “industrial establishment” means a workshop or other establishment, in which articles are produced, adapted, repaired or manufactured with a view to their use, transport or sale and includes Government industrial undertakings and Government and private printing presses;

(f) “mine” shall have the meaning assigned to it in the Indian Mines Act, 1923 (IV of 1923);

(g) “plantation” shall have the meaning assigned to it in the Plantations Labour Act, 1951 (LXIX of 1951);

(h) “public services” means services under the Government, Central or State or of any local body or educational institution, including universities and hospitals and dispensaries;

(i) “railway” shall have the meaning assigned to it in the Indian Railways Act, 1890 (IX of 1890) and also includes privately-owned or privately-run railways;

(j) “transport services” include all transport services, whether by land, sea or air,

(k) “worker” means any person employed, directly or through any agency, whether for wages or not, in any factory, railway, mine, transport services, plantation, dock or in an industrial or commercial establishment.

3. Registration and Relief Centres.—The Government shall open employment exchanges and unemployed relief centres in every municipal town for the registration of the unemployed.

4. Registration of the unemployed.—(1) Any worker, or employee, man or woman, employed in any factory, mine, plantation, railway

or transport service, dock, bank or insurance company or any commercial or industrial establishment or a public service shall have the right to get himself or herself registered at the nearest employment exchange and unemployed relief centre and shall be entitled to receive an unemployed registration card free of cost.

(2) Any man or woman above the age of sixteen years who, not having been previously employed, applies for a job to the employment exchange and unemployed relief centre and for whom employment is not secured for one month from the date of application of this Act shall also be entitled to receive an unemployment registration card.

5. Claim of Unemployment Relief.—(1) Any registered unemployed shall have the right to claim unemployment relief if he has been unemployed for a period of fifteen days continuously or a total of fifteen days during one calendar month.

(2) In the case of persons referred to in sub-section (2) of section 4, they shall be entitled to claim unemployment relief if they do not get employment for one month from the date of their registration.

6. Verification.—The employment exchange and unemployed relief centres shall verify the claim of the unemployment relief claimant within seven days through proper enquiry and shall inform the claimant of the result of the enquiry within three days of the completion of the enquiry.

7. Appeal against the result of the enquiry.—(1) If any registered unemployed is dissatisfied with the result of the enquiry in his case, he shall be entitled to ask for the reference of his claim to a Court of Appeal, which shall consist of one nominee each of the local trade union to which the unemployed claimant concerned belongs, the Government, and the Chairman or a representative of the Local Municipal Board.

(2) The decision of this Court of Appeal shall be binding on both the claimant and the Government.

8. Receipt of relief.—In case of claims being accepted by the Central Government or decreed by the Court of Appeal, the claimant shall be entitled to receive the amount due to him as relief within three days of the acceptance of his claim or the decree of the Court of Appeal and on the same date in subsequent months during the pendency of his accepted claim.

9. Disqualification.—Refusal of a job, carrying a lower wage and rates of dearness allowance and other allowances than what he

was earning before being rendered unemployed or a job arising out of an industrial dispute or a job for which he is demonstrably unsuited or in which conditions of service are less favourable than in his usual employment, shall by no means disqualify any worker or employee from receipt of unemployment relief.

10. Period of relief.—A registered unemployed worker or employee shall be entitled to receive unemployment relief during the entire period of his or her unemployment and shall cease only on his or her being re-employed.

11. Rule making power of the Government.—The Government shall make rules and publish them in the Official Gazette to carry out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

As a result of numerous closures of factories, mines, plantations, banks and other concerns and heavy retrenchment in public service, large scale increase in the number of unemployed has taken place in the country. Besides, there are large number of young men and women looking for jobs who are unable to find employment. This causes intense misery and sufferings to the unemployed and their dependents, leading to manifold social evils.

It is, therefore, felt that the Government must undertake the responsibility to provide relief to the unemployed and their families where it fails to secure for them suitable jobs on their being rendered unemployed.

P. SUNDARAYYA.

NEW DELHI;

The 3rd November, 1953.

BILL No. XXIV OF 1953.

A Bill further to amend the Indian Penal Code, 1860.

WHEREAS it is expedient further to amend the Indian Penal Code (XLV of 1860) in the manner hereinafter appearing:

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Indian Penal Code (Amendment) Act, 1953.

(2) It shall extend to such parts of the Union where the Indian Penal Code is in force.

(3) It shall come into force at once.

2. Insertion of new section 294B, Act XLV of 1860.—After section 294A of the Indian Penal Code, 1860, the following new section shall be inserted, namely:—

“294B. Keeping crossword puzzles office.—Whoever keeps any office or place for the purpose of conducting any competition, known as crossword or squareword puzzles or any other allied competition in words, figures, pictures, signs, indications, or publishes, prints, advertises and invites answers or solutions to such a competition and offers to pay any sum or to deliver any goods to any person, entering into the competition or on the tallying, fully or partly, of his answers or solutions with those kept answered or solved from before, or with those to be answered or solved at any future date, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”

STATEMENT OF OBJECTS AND REASONS

The crossword and other allied competitions including pictorial puzzles have, of late, become a growing evil. They attract professionals, clerks, teachers, students and various other classes of intellectuals on a fairly large scale, who get engrossed in them at the cost of their normal and legitimate duties and also waste a good lot of money, say, after illusions.

Newspapers, bulletins and illustrated journals, etc., motivated purely by a get-rich-quick spirit, publish these offers freely and widely. In the interests of the well-being of the country, this waste of money must stop now.

Section 294A of the Indian Penal Code, 1860, was inserted by an amending Act in 1870, when “lotteries” played almost the same part. It is time now that this crossword system and other like alluring competitions, tending to demoralise people should be banned by the Government forthwith.

Hence this amending Bill.

KOTAMRAJU RAMA RAO.

S. N. MUKERJEE,
Secretary.